

BEFORE THE NEVADA TRANSPORTATION AUTHORITY

In Re: The Application of Omni Limousine, Inc. for)
an expansion of authority for operations conducted) Docket No. 09-01007
under Certificate of Public Convenience and)
Necessity (CPCN) 1084, Sub 1.)
_____)

PROCEDURAL ORDER
AND
NOTICE OF RESCHEDULED HEARING

Omni Limousine, Inc. ("Applicant") filed an Application, designated as Docket Number 09-01007, with the Nevada Transportation Authority ("Authority") seeking to modify its Certificate of Public Convenience and Necessity CPCN 1084, Sub 1 by increasing the current fleet limitation of no more than twelve (12) vehicles to a limit of no more than thirty seven (37) vehicles.

The Application was filed pursuant to Chapters 706 of the Nevada Revised Statutes ("NRS") and the Nevada Administrative Code ("NAC"). Under NRS 706.151, the Authority has legal jurisdiction and authority over this matter.

This matter was properly noticed to the public. On February 6, 2009, Ambassador Limousine ("Ambassador") filed a timely Petition for Leave to Intervene. In an Interim Order dated January 15, 2010, Commissioner Monica B Metz, in her capacity as Presiding Officer in this matter, granted Ambassador Limousine leave to intervene in Docket No. 09-01007. The Interim Order set forth a procedural schedule with discovery to conclude by March 1, 2010 and the hearing to be set thereafter at the request of any party or the NTA Staff.

On March 2, 2010, after the close of the discovery period, the Applicant filed a Request for Hearing Date and Notice of Association of Counsel. On March 4, 2010, Ambassador filed a Substitution of Attorney, Response to Request for Hearing Date, and Motion for Leave to Conduct Limited Discovery. On March 10, 2010, the Applicant filed its Reply and Opposition.

In an Order dated March 16, 2010, the Presiding Officer found that granting Ambassador's Motion would result in prejudicial delay to the Applicant. Accordingly, the Presiding Officer denied Ambassador Limousine's Motion for Leave to Conduct Limited Discovery and granted Omni Limousine's Request for hearing, setting this matter for hearing on Tuesday, March 30, 2010.

On March 17, 2010, the Applicant notified Authority Staff that the Applicant was unable to appear on the scheduled date and requested that the hearing be continued to late April. Obviously, the requested continuance would preclude the matter from consideration at the Authority's April 2010 general session (currently scheduled for April 8, 2010). The matter will therefore be delayed until the Authority's May 2010 general session regardless of whether Ambassador is granted leave to conduct limited discovery. In light of this fact, the balance of equities now requires reconsideration of the Presiding Officer's March 16, 2010 Order denying Ambassador Limousine's Motion for Leave to Conduct Limited Discovery.

THEREFORE, it is ordered and directed that:

1. Applicant's request to continue the hearing is hereby GRANTED;
2. Ambassador Limousine is hereby GRANTED leave to conduct limited discovery; and
3. Barring any objections, the procedural schedule for Docket No. 09-01007 shall be as follows (if any party objects to the procedural schedule, a teleconference with all parties and the Presiding Officer will be scheduled immediately in order to adjust the procedural schedule as necessary):
 - a. Up to 3 depositions, no longer than 2 hours each, to be completed by April 15, 2010, at 5:00 p.m.
 - b. No further depositions may be taken without prior approval of the Presiding Officer.

- c. The parties shall copy the Authority Staff on all written communications.
- 4. With respect to discovery requests, each party shall have ten (10) business days to respond to any request and three (3) business days to object.

NOTICE IS HEREBY GIVEN that a hearing on this matter has been rescheduled as follows:

TUESDAY, APRIL 27, 2010

9:30 a.m.

Nevada Transportation Authority
2290 South Jones Blvd., Suite 110
Las Vegas, Nevada 89146
(702) 486-3303

At which time a Presiding Officer will receive testimony and evidence regarding the Application, and decide which testimony and evidence will be delivered to the Authority for final determination.

Pursuant to NRS 706.391, the Authority will consider evidence pertaining to the following:

- a) Whether the Applicant is fit, willing, and able to perform the services for which it has made the Application;
- b) Whether the provision of the services applied for will foster sound economic conditions within the applicable industry;
- c) Whether the proposed expansion of authority will be consistent with the legislative policies set forth in NRS 706.151;
- d) Whether granting the Application will unreasonably and adversely affect other carriers operating in the territory for which the authority is sought;
- e) Whether the proposed expansion of authority will benefit and protect the safety and convenience of the traveling public and motor carrier business in this State;
- f) Whether the proposed service will be provided on a continuous basis;
- g) Whether the market identified by the Applicant as the market which the Applicant intends to serve will support the proposed expansion of authority; and

- h) Whether, in the event the Application is granted, the public interest requires that certain terms and conditions be attached to the Certificate.

Applicant is advised that it is responsible for providing a court reporter at the time and place listed above for this proceeding. The transcript of the proceeding (an original and two copies) should be transmitted to the Authority within fifteen (15) days of the hearing. The Authority cannot approve any application until the transcripts are received.

The Authority retains jurisdiction for the purpose of correcting any errors that may have occurred in the drafting or issuance of this Order.

By the Authority,



Monica B Metz, Commissioner

Attest: 

James Allen Day, Admin. Attorney

Dated: MARCH 17, 2010
Las Vegas, Nevada